

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Charlotte Division  
Case No.: 3:09-cv-192**

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THOMAS A. ALLEN,

Plaintiff,

vs.

**JOHN MARLIN DANCE'S  
MOTION TO DISMISS**

JOHN MARLIN DANCE,

Defendant.

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**MOTION TO DISMISS**

**NOW COMES** the Defendant JOHN MARLIN DANCE and makes a Motion to Dismiss pursuant to Rule 12(b)(6) for a failure to state a claim upon which relief can be granted. Plaintiff has failed to please the essential elements of slander.

This the 20th Day of May, 2009.

**TEMPLETON & RAYNOR, P.A.**

/s/Carrie O'Brien

Carrie H. O'Brien

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N.C. Bar No.: 27643

**CERTIFICATE OF SERVICE**

I hereby certify that on May 20, 2009, I electronically filed **John Marlin Dance's Motion to Dismiss** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

*christopherjohnsonlaw@hotmail.com*

This the 20<sup>th</sup> Day of May, 2009.

/s/Carrie O'Brien

Carrie O'Brien

**TEMPLETON & RAYNOR, P.A.**